

## ***New Federal HazMat Requirements***

Starting January 31, 2005, any person who applies for a California commercial driver license (CDL) with an original Hazardous Materials (HazMat) endorsement is required to undergo a federal Transportation Security Administration (TSA) security threat assessment. (USA Patriot Act of 2001)

## ***USA Patriot Act***

Before the Department of Motor Vehicles (DMV) can issue an original HazMat endorsement, TSA must complete a security threat assessment (background records check) to determine if you pose a security threat.

## ***DMV's License Process***

To apply for an original HazMat endorsement, DMV will start a CDL application and require all current documentation and fees. If you need an instruction permit before DMV receives the clearance from TSA, one may be issued after the appropriate law tests have been passed. The permit will state: "Not valid for carrying hazardous materials." When all the application requirements have been met, you will be issued a licensing document that states: "Not valid for carrying hazardous materials." A photo license will be mailed to you with this same wording on it. After TSA completes the background check, one of two things will happen:

1. You will be notified by TSA that you are ***ineligible*** for a HazMat endorsement. If this happens, you may continue to use the license already issued to you. If you wish to request a hearing, refer to the procedures listed below.  
**NOTE: DMV is not be involved with TSA hearings, appeals, and/or waivers.**

**OR**

2. DMV will send you a new photo license allowing you to carry hazardous materials. If this happens, you simply destroy the first license and carry the one with the HazMat endorsement.

## ***TSA's Process***

You start the TSA background records check after you apply for your CDL at DMV, successfully complete all appropriate law tests and submit a valid Medical Examination Report form (DL 51). You must submit fingerprints, a \$94 fee, and any additional required information to one of the designated TSA agents listed on the back of this pamphlet. You must also provide the TSA agent with a DMV Commercial Instruction Permit and one of the following identification documents:

- A California driver license and/or California identification card
- An out-of-state driver license
- A DMV Commercial Instruction Permit accompanied by a DMV photo receipt

## ***Hearing Procedures***

All security threat assessments and subsequent hearings, if any, will be conducted by the TSA. You must provide *documentation* in writing directly to TSA. You may request a waiver and/or an appeal in writing. Send your request via Federal Express to:

TSA Headquarters  
Attn: HazMat Program Manager, TSA-19  
HazMat Waiver/Appeal Process  
601 South 12<sup>th</sup> Street  
Arlington, VA 22202

For further information, call the TSA at (866) 289-9673. You may send electronic inquiries to TSA at [patriotact@dhs.gov](mailto:patriotact@dhs.gov).

To review the entire regulations, visit the Federal Motor Carrier Safety Administration website at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov) or the TSA website at [www.tsa.gov](http://www.tsa.gov).

## ***Temporary Disqualifying Criminal Offenses***

A driver will be disqualified from holding a HazMat endorsement if he/she was convicted or found not guilty by reason of insanity within the previous seven years, or was released from prison in the last five years, for any of the following crimes:

- Assault with intent to murder
- Kidnapping or hostage taking
- Rape or aggravated sexual abuse
- Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in firearms or other weapons
- Extortion
- Dishonesty, fraud, or misrepresentation, including identity fraud
- Bribery
- Smuggling
- Immigration violations
- Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 United States Code (USC) 1961, et seq., or a comparable state law
- Robbery
- Distribution of, intent to distribute, or importation of, a controlled substance
- Arson
- Conspiracy or attempt to commit any of these crimes

**NOTE:** The disqualification period is seven years from the last conviction date for any of the above violations **or** five years from the prison release date.

## ***Permanent Disqualifying Criminal Offenses:***

A driver will be permanently disqualified from holding a HazMat endorsement if he/she was convicted or found not guilty by reason of insanity

for any of the following crimes:

- Espionage
- Sedition
- Treason
- A crime listed in 18 USC. Chapter 113B—Terrorism, or a comparable state law
- A crime involving a transportation security incident
- Improper transportation of a hazardous material (49 USC 5124) or a comparable state law
- Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device
- Murder
- Conspiracy or attempt to commit any of these crimes
- Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 USC 1961, et seq., or a comparable state law

### ***Outstanding Wants or Warrants***

A driver is also disqualified from holding a HazMat endorsement until the want or warrant is released, if he/she is wanted, or under indictment in any civilian or military jurisdiction, for a felony.

### ***HazMat Requirements for Non-Citizens***

If you are not a United States (U.S.) citizen, you may have a HazMat endorsement when all other requirements are met and you are one of the following:

- A lawful permanent resident of the U.S. as defined in section 101(a)(20) of the Immigration and Nationality Act
- A refugee admitted under section 8 USC 1157 in possession of valid, unrestricted employment authorization

- In asylum status under section 8 USC 1158 in possession of valid, unrestricted employment authorization

### ***TSA Agent Names and Addresses***

#### **Bakersfield**

5400 Olive Dr., Ste. D

#### **Colton**

1016 E. Cooley Dr., Ste. W/Y

#### **Long Beach**

3939 Atlantic Blvd., Ste. 214

#### **Redding**

3310 Bechelli Ln.

#### **Sacramento**

151 N. Sunrise Ave., Ste. 1105

#### **San Jose**

2211 Moor Park Ave., Ste. 240

**NOTE:** Additional TSA agent sites are being added. Please go online at [www.hazprints.com](http://www.hazprints.com) or call 1-877-429-7746 for updated site information.



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## **USA Patriot Act of 2001**



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